

PROB 12C  
(7/93)

Report Date: January 30, 2012

## United States District Court

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

for the

JAN 30 2012

Eastern District of Washington

JAMES R. LARSON, CLERK  
DEPUTY  
KARMA WASHINGTON

## Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Jerbasio C. Brito

Case Number: 2:08CR02142-001

Address of Offender: 2261 Hornby Road, Grandview, WA 98930

Name of Sentencing Judicial Officer: The Honorable Robert H. Whaley, Senior U.S. District Judge

Date of Original Sentence: 10/6/2009

Original Offense: Possession of a Firearm and Ammunition by a Prohibited Person,  
18 U.S.C. § 922(g)(1)Original Sentence: Prison - 38 Months;  
TSR - 36 Months

Type of Supervision: Supervised Release

Asst. U.S. Attorney: Thomas J. Hanlon

Date Supervision Commenced: 9/20/2011

Defense Attorney: Diane E. Hchir

Date Supervision Expires: 9/19/2014

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 PETITIONING THE COURT

## To issue a summons.

The probation officer believes that the offender has violated the following condition(s) of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
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- |   |   |
|---|---|
| 1 | <b><u>Special Condition #17:</u></b> You shall abstain from the use of illegal controlled substances, and shall submit to urinalysis testing, as directed by the supervising probation officer, but no more than six tests per month, in order to confirm continued abstinence from these substances. |
|---|---|

**Supporting Evidence:** Mr. Brito failed to submit to random urinalysis testing at Merit Resource Services (Merit) on November 17, 23, and December 13, 2011.

Mr. Brito was contacted after each of the above-noted failures to provide a urine sample at Merit. The defendant was given an opportunity to make up the test by going to Merit and provide a urine sample. Mr. Brito failed to submit to a urinalysis test as directed.

- |   |   |
|---|---|
| 2 | <b><u>Special Condition #17:</u></b> You shall abstain from the use of illegal controlled substances, and shall submit to urinalysis testing, as directed by the supervising probation officer, but no more than six tests per month, in order to confirm continued abstinence from these substances. |
|---|---|

Prob12C

Re: Brito, Jerbasio C.

January 30, 2012

Page 2

**Supporting Evidence:** Mr. Brito failed to provide a random urine sample at Merit by stalling on December 19, and 22, 2011.

According to Merit staff, Mr. Brito reported to their office to provide a urine sample. The defendant was given ample time to produce the specimen, but failed to do so on both occasions.

- 3      **Special Condition # 17:** You shall abstain from the use of illegal controlled substances, and shall submit to urinalysis testing, as directed by the supervising probation officer, but no more than six tests per month, in order to confirm continued abstinence from these substances.

**Supporting Evidence:** Mr. Brito consumed methamphetamine on December 24, 25, 30, 2011, and January 4, 2012.

On January 6, 2012, Mr. Brito was directed to report to the probation office to submit to a urinalysis test, as he had previously failed to produce a specimen at Merit as directed. Mr. Brito admitted he used methamphetamine on the dates noted above. The defendant signed the admission of drug use form admitting he consumed methamphetamine.

The U.S. Probation Office respectfully recommends the Court issue a summons requiring the defendant to appear to answer to the allegations contained in this petition.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 01/30/2012

s/Jose Zepeda

Jose Zepeda  
U.S. Probation Officer

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## THE COURT ORDERS

- ☐ No Action  
☐ The Issuance of a Warrant  
☒ The Issuance of a Summons  
☐ Other



Signature of Judicial Officer

11/30/2012  
Date